



# State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

## **RESEARCH APPENDIX - PLEASE DO NOT REMOVE FROM DRAFTING FILE**

### Appendix I

Date Transfer Requested: 04/24/2007 (Per: RNK)



The 2007 drafting file for

LRB-2247/P2 (transferred)

LRB-2248/P2 (transferred)

LRB-2256/2 (transferred)

LRB-2271/1 (transferred)

LRB-2272/2 (transferred)

LRB-2273/1 (transferred)

LRB-2274/2 (transferred)

LRB-2275/1 (transferred)



LRB-2276/1 (transferred)

where used to create ...

# LRB 07-2482

 The attached 2005 draft was incorporated into the new 2005 draft listed above. For research purposes, this cover sheet and the attached drafting file were added, as a appendix, to the new 2005 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

**2007 DRAFTING REQUEST**

**Bill**

Received: **03/16/2007**

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Council - JLC**

By/Representing: **Mark Patronsky**

This file may be shown to any legislator: **NO**

Drafter: **rkite**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - boats snomos ATVs**

Extra Copies:

Submit via email: **YES**

Requester's email: **mark.patronsky@legis.wisconsin.gov**

Carbon copy (CC:) to: **dan.schmidt@legis.wisconsin.gov**

**Pre Topic:**

No specific pre topic given

**Topic:**

Certificate of title for all-terrain vehicles

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rkite 03/16/2007			_____			
/P1			pgreensl 03/19/2007	_____			
/1	rkite 04/13/2007	jdyer 04/18/2007	sherritz 04/18/2007	_____	sbasford 04/19/2007		

FE Sent For:

**<END>**

## 2007 DRAFTING REQUEST

### Bill

Received: 03/16/2007

Received By: rkite

Wanted: As time permits

Identical to LRB:

For: Legislative Council - JLC

By/Representing: Mark Patronsky

This file may be shown to any legislator: NO

Drafter: rkite

May Contact:

Addl. Drafters:

Subject: Nat. Res. - boats snomos ATVs

Extra Copies:

Submit via email: YES

Requester's email: mark.patronsky@legis.wisconsin.gov

Carbon copy (CC:) to: dan.schmidt@legis.wisconsin.gov

---

### Pre Topic:

No specific pre topic given

---

### Topic:

Certificate of title for all-terrain vehicles

---

### Instructions:

See Attached

---

### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rkite	1/4/18 JLC	3/19 pg LC conclusion	_____			
FE Sent For:			sh 4/18	sh/pg <END> 4/18			

1     **AN ACT** to create 23.33 (2d) and 23.33 (13) (g) of the statutes; **relating to:** requiring  
2             a certificate of title for an all-terrain vehicle, creating penalties, and making  
3             appropriations.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**JOINT LEGISLATIVE COUNCIL PREFATORY NOTE:** This bill draft was prepared for the Joint Legislative Council's Special Committee on State Trails Policy.

4             **SECTION 1.** 23.33 (2d) of the statutes is created to read:

5             **23.33 (2d) CERTIFICATE OF TITLE; REQUIREMENTS; EXCEPTIONS.** (a) *Certificate.* The  
6             owner of an all-terrain vehicle subject to registration in this state, whether or not the all-terrain  
7             vehicle is operated in this state, shall make application for a certificate of title for the  
8             all-terrain vehicle under the following circumstances:

9                 1. If the owner has newly acquired the all-terrain vehicle, he or she shall make  
10                application under this subsection.

11               2. If the owner applies for registration of an all-terrain vehicle without holding a valid  
12               certificate of title previously issued to that owner by the department for the all-terrain vehicle,  
13               he or she shall at the same time apply for a certificate of title.

14               (b) *Exemptions.* An all-terrain vehicle is exempt from the certificate of title  
15               requirements of this subsection if it is exempt under sub. (2) (b) from registration  
16               requirements. The department may exempt additional classes of all-terrain vehicles from the  
17               titling requirements.

1           (c) *All-terrain vehicles purchased by nonresidents.* A nonresident who purchases an  
2 all-terrain vehicle in this state and who intends to register the all-terrain vehicle in another  
3 state is not required to apply for a certificate of title under this chapter. A nonresident who  
4 purchases an all-terrain vehicle in this state may apply for a certificate of title under this  
5 subsection.

6           (d) *Application for certificate of title.* An application for a certificate of title shall be  
7 made to the department and shall be accompanied by the required fee. Each application for  
8 certificate of title shall contain the information required by the department.

9           (e) *Issuance; records; fees.* 1. The department shall file each application for certificate  
10 of title received by it and, when satisfied as to its genuineness and regularity and that the  
11 applicant is entitled to the issuance of a certificate of title, shall issue and deliver a certificate  
12 to the owner of the all-terrain vehicle.

13           2. The department shall file and retain for at least 5 years a record of all applications  
14 for a certificate of title.

15           3. The department shall conduct a title search upon the request of an applicant for a  
16 certificate of title.

17           4. The department shall by rule fix and collect fees which shall, as closely as possible,  
18 equal the cost of providing services under this subsection.

19           (f) *Contents of certificate of title.* Each certificate of title issued by the department shall  
20 contain information designated by the department.

21           (g) *Law enforcement.* The department shall establish procedures for identifying stolen  
22 all-terrain vehicles with the cooperation of local law enforcement officials and the department  
23 of justice, by checking applications for title against any lists of stolen all-terrain vehicles,

1 inspecting serial numbers if the owner applies for a replacement certificate of title, and  
2 inspecting all-terrain vehicles that are purchased out-of-state.

3 (h) *Replacements; transfer of title.* The department shall establish procedures and  
4 forms for the replacement of certificates of title and the transfer of title to an all-terrain vehicle  
5 or the transfer of any interest in an all-terrain vehicle.

6 (i) *Alterations and falsifications prohibited.* 1. No person may intentionally falsify an  
7 application for a certificate of title or a certificate of title issued under the subsection.

8 2. No person may intentionally alter, remove, or change any number or other character  
9 in an all-terrain vehicle engine serial number or all-terrain vehicle serial number.

10 (j) *Abandonment or destruction of all-terrain vehicle.* The department shall  
11 promulgate procedures that apply in the event of abandonment or destruction of an all-terrain  
12 vehicle covered by a certificate of title and certificate of number or registration issued by this  
13 state.

14 (k) *Security interests.* 1. A security interest in an all-terrain vehicle of a type for which  
15 a certificate of title is required is not valid against creditors of the owner or subsequent  
16 transferees or secured parties of the all-terrain vehicle unless perfected as provided in rules  
17 promulgated by the department.

18 2. A secured party named in a certificate of title shall, upon written request of the owner  
19 or of another secured party named on the certificate, disclose any pertinent information about  
20 the secured party's security agreement and the indebtedness secured by it.

21 3. An owner shall promptly deliver the certificate of title to any secured party who is  
22 named on it or who has a security interest in the all-terrain vehicle described in it under any  
23 applicable prior law of this state, upon receipt of a notice from the secured party that the  
24 secured party's security interest is to be assigned, extended or perfected.

1           4. A secured party who fails to disclose information under subd. (2) shall be liable to  
2 the owner for any loss caused by the failure to disclose.

3           5. An owner who fails to deliver the certificate of title to a secured party requesting it  
4 under subd. 3 shall be liable to the secured party for any loss caused to the secured party by  
5 the failure to deliver.

6           6. The method provided in this paragraph for perfecting and giving notice of security  
7 interests subject this subsection is exclusive. Security interests subject to this subsection are  
8 exempt from the provisions of law that otherwise require or relate to the filing of instruments  
9 creating or evidencing security interests. This subdivision does not affect the validity of a  
10 security interest perfected before the effective date of this subdivision ... [revisor inserts date].

11           (1) *Suspension or revocation of certificate of title.* The department shall suspend or  
12 revoke a certificate of title for an all-terrain vehicle if it finds any of the following:

13           1. The certificate of title was fraudulently procured, erroneously issued, or prohibited  
14 by law.

15           2. The all-terrain vehicle has been scrapped, dismantled, or destroyed.

16           3. A transfer of title is set aside by a court by order or judgment.

17           4. Suspension or revocation of a certificate of title does not, in itself, affect the validity  
18 of a security interest noted on it.

19           5. When the department suspends or revokes a certificate of title, the owner or person  
20 in possession of the certificate shall, within 5 days after receiving notice of the suspension or  
21 revocation, mail or deliver the certificate to the department.

22           6. The department may seize and impound a certificate of title that is suspended or  
23 revoked.

1 (m) *Grounds for refusing issuance of certificate of title.* The department shall refuse  
2 issuance of a certificate of title if any required fee is not paid or if it has reasonable grounds  
3 to believe that any of the following exists:

- 4 1. The person alleged to be the owner of the all-terrain vehicle is not the owner.
- 5 2. The application contains a false or fraudulent statement.
- 6 3. The applicant fails to furnish information or documents required by the department.

**NOTE:** This provision creates a requirement for the owner of an all-terrain vehicle (ATV) to obtain a certificate of title. Any owner of an ATV that is subject to registration in this state must comply with the titling requirement. The titling requirement applies to the owner of a newly acquired ATV and to the owner of an ATV who applies for registration without holding a previously issued certificate of title. Any ATV that is exempt from registration in this state is also exempt from the titling requirement. Although nonresidents who register an ATV in another state are not required to apply for a certificate of title, a nonresident may choose to obtain a Wisconsin title for an ATV purchased in this state.

The department of natural resources (DNR) is directed under this provision to implement the statute by promulgating administrative rules applicable to the procedures for application for a certificate of title, issuance of a certificate of title, recordkeeping, replacements, transfer of title, security interests, and all other provisions necessary for the titling program. The DNR is directed to set and collect fees established by rule which shall, as closely as possible, equal the cost of providing services related to ATV titling. The funds collected by the DNR will be placed in the Conservation Fund.

7 **SECTION 2.** 23.33 (13) (g) of the statutes is created to read:

8 23.33 (13) (g) *All-terrain vehicle serial numbers.* Any person who violates sub. (4b)

9 (i) is guilty of a Class H felony.

**NOTE:** The new provision in this bill draft related to creating an ATV titling program contains a prohibition on the intentional falsification of an application for a certificate of title or a certificate of title, and the intentional authorization, removal, or change of any number or character in an ATV engine serial number or ATV serial number. This provision makes violation of those prohibitions a Class H felony. The maximum

penalty for a Class H felony is a fine not to exceed \$10,000 or imprisonment not to exceed 6 years, or both.

1       **SECTION 3. Effective date.**

2       (1) This act takes effect on January 1, 2009.

**NOTE:** The effective date of this provision primarily relates to the commencement of the requirement to obtain a certificate of title. This effective date means that the owner of an ATV newly purchased on or after January 1, 2009 or the owner of an ATV who applies for registration on or after January 1, 2009 and does not have a valid certificate of title previously issued must obtain a certificate of title for the ATV.

3

(END)



jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Gen

granting rule-making authority, and providing

1 AN ACT to create 23.33 (2d) and 23.33 (13) (g) of the statutes; relating to:  
2 requiring a certificate of title for an all-terrain vehicle, creating penalties, and  
3 making appropriations.

**Analysis by the Legislative Reference Bureau**

This is a preliminary draft. An analysis will be provided in a later version.

**The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:**

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill draft was prepared for the Joint Legislative Council's Special Committee on State Trails Policy.

SECTION 1. 23.33 (2d) of the statutes is created to read:

23.33 (2d) CERTIFICATE OF TITLE; REQUIREMENTS; EXCEPTIONS. (a) Certificate. The

owner of an all-terrain vehicle subject to registration in this state, whether or not the all-terrain vehicle is operated in this state, shall make application for a certificate of title for the all-terrain vehicle under any of the following circumstances:

1. If the owner has newly acquired the all-terrain vehicle, he or she shall make application under this subsection.

anal: jlenote This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

1           2. If the owner applies for registration of an all-terrain vehicle without holding  
2 a valid certificate of title previously issued to that owner by the department for the  
3 all-terrain vehicle, he or she shall at the same time apply for a certificate of title.

4           (b) *Exemptions.* An all-terrain vehicle is exempt from the certificate of title  
5 requirements of this subsection if it is exempt under sub. (2) (b) from registration  
6 requirements. The department may exempt additional classes of all-terrain  
7 vehicles from the ~~titling~~ <sup>certificate of title</sup> requirements.

8           (c) *All-terrain vehicles purchased by nonresidents.* A nonresident who  
9 purchases an all-terrain vehicle in this state and who intends to register the  
10 all-terrain vehicle in another state is not required to apply for a certificate of title  
11 under this chapter. A nonresident who purchases an all-terrain vehicle in this state  
12 may apply for a certificate of title under this subsection.

13           (d) *Application for certificate of title.* An application for a certificate of title shall  
14 be made to the department and shall be accompanied by the required fee. Each  
15 application for certificate of title shall contain the information required by the  
16 department.

17           (e) *Issuance; records; fees.* 1. The department shall file each application for  
18 certificate of title received by it and, when satisfied as to its genuineness and  
19 regularity and that the applicant is entitled to the issuance of a certificate of title,  
20 shall issue and deliver a certificate to the owner of the all-terrain vehicle.

21           2. The department shall file and retain for at least 5 years a record of all  
22 applications for a certificate of title.

23           3. The department shall conduct a title search upon the request of an applicant  
24 for a certificate of title.

that

1 4. The department shall by rule fix and collect fees ~~which~~ shall, as closely as  
2 possible, equal the cost of providing services under this subsection. ✓

3 (f) *Contents of certificate of title.* ✓ Each certificate of title issued by the  
4 department shall contain information ~~designated~~ <sup>required</sup> by the department. ✓

5 (g) *Law enforcement.* ✓ The department shall establish procedures for  
6 identifying stolen all-terrain vehicles with the cooperation of local law enforcement  
7 officials and the department of justice, ✓ by checking applications for title against any  
8 lists of stolen all-terrain vehicles, inspecting serial numbers if the owner applies for  
9 a replacement certificate of title, and inspecting all-terrain vehicles that are  
10 purchased ~~out of~~ <sup>out of</sup> state. ✓

11 (h) *Replacements; transfer of title.* ✓ The department shall establish procedures  
12 and forms for the replacement of certificates of title and the transfer of title to an  
13 all-terrain vehicle or the transfer of any interest in an all-terrain vehicle.

14 (i) *Alterations and falsifications prohibited.* ✓ 1. No person may intentionally  
15 falsify ~~an application for~~ <sup>an application for</sup> a certificate of title or a certificate of title issued under the  
16 subsection. ✓ <sub>issued under this subsection,</sub>

17 2. No person may intentionally alter, remove, or change any number or other  
18 character in an all-terrain vehicle engine serial number or all-terrain vehicle serial  
19 number.

20 (j) *Abandonment or destruction of all-terrain vehicle.* ✓ The department shall  
21 <sup>rules establishing</sup> promulgate procedures that apply in the event of abandonment or destruction of an  
22 all-terrain vehicle covered by a certificate of title ~~and certificate of number~~ or  
23 registration issued by this state.

24 (k) *Security interests.* ✓ 1. A security interest in an all-terrain vehicle of a type  
25 for which a certificate of title is required is not valid against creditors of the owner

1 or subsequent transferees or secured parties of the all-terrain vehicle unless  
2 perfected as provided in rules promulgated by the department. ✓

3 2. A secured party named in a certificate of title shall, upon written request of  
4 the owner or of another secured party named on the certificate, disclose any  
5 pertinent information about the secured party's security agreement and the  
6 indebtedness secured by it. ✓

7 3. An owner shall promptly deliver the certificate of title to any secured party  
8 who is named on it or who has a security interest in the all-terrain vehicle described  
9 in it under any applicable prior law of this state, upon receipt of a notice from the  
10 secured party that the secured party's security interest is to be assigned, extended,  
11 or perfected. ✓

12 4. A secured party who fails to disclose information under subd. (2) shall be  
13 liable to the owner for any loss caused by the failure to disclose. e2.

14 5. An owner who fails to deliver the certificate of title to a secured party  
15 requesting it under subd. 3 shall be liable to the secured party for any loss caused  
16 to the secured party by the failure to deliver.

17 6. The method provided in this paragraph for perfecting and giving notice of  
18 security interests subject this subsection is exclusive. Security interests subject to  
19 this subsection are exempt from the provisions of law that otherwise require or relate  
20 to the filing of instruments creating or evidencing security interests. This  
21 subdivision does not affect the validity of a security interest perfected before the  
22 effective date of this subdivision... [revisor inserts date]. ✓

23 ~~(1)~~ *Suspension or revocation of certificate of title.* (The department shall suspend  
24 or revoke a certificate of title for an all-terrain vehicle if it finds any of the following:

1 ~~1.~~<sup>a.</sup> The certificate of title was fraudulently procured, erroneously issued, or  
2 prohibited by law. ✓

3 ~~2.~~<sup>b.</sup> The all-terrain vehicle has been scrapped, dismantled, or destroyed. ✓

4 ~~3.~~<sup>c.</sup> A transfer of title is set aside by a court by order or judgment. ✓

5 ~~4.~~<sup>2.</sup> Suspension or revocation of a certificate of title does not, in itself, affect the  
6 validity of a security interest noted on it.

7 ~~5.~~<sup>3.</sup> When the department suspends or revokes a certificate of title, the owner  
8 or person in possession of the certificate shall, within 5 days after receiving notice  
9 of the suspension or revocation, mail or deliver the certificate to the department. ✓

10 ~~6.~~<sup>4.</sup> The department may seize and impound a certificate of title that is  
11 suspended or revoked.

12 (m) *Grounds for refusing issuance of certificate of title.* ✓ The department shall  
13 refuse issuance of a certificate of title if any required fee is not paid or if it has  
14 reasonable grounds to believe that any of the following exists: ✓

- 15 1. The person alleged to be the owner of the all-terrain vehicle is not the owner. ✓  
16 2. The application contains a false or fraudulent statement. ✓  
17 3. The applicant fails to furnish information or documents required by the  
18 department. ✓

✓ NOTE: This provision creates a requirement for the owner of an all-terrain vehicle (ATV) to obtain a certificate of title. Any owner of an ATV that is subject to registration in this state must comply with the titling requirement. The titling requirement applies to the owner of a newly acquired ATV and to the owner of an ATV who applies for registration without holding a previously issued certificate of title. Any ATV that is exempt from registration in this state is also exempt from the titling requirement. Although nonresidents who register an ATV in another state are not required to apply for a certificate of title, a nonresident may choose to obtain a Wisconsin title for an ATV purchased in this state.

② The department of natural resources (DNR) ✓ is directed under this provision to implement the statute by promulgating administrative rules applicable to the procedures for application for a certificate of title, issuance of a certificate of title, recordkeeping, replacements, transfer of title, security interests, and all other provisions necessary for the titling program. The DNR is directed to set and collect fees established by rule which

shall, as closely as possible, equal the cost of providing services related to ATV titling. The funds collected by the DNR will be placed in the Conservation Fund.

1

SECTION 2. 23.33 (13) (g) of the statutes is created to read:

2

23.33 (13) (g) All-terrain vehicle serial numbers. Any person who violates sub.

3

(2d) (i) is guilty of a Class H felony.

NOTE: The new provision in this bill draft related to creating an ATV titling program contains a prohibition on the intentional falsification of an application for a certificate of title, or a certificate of title, and the intentional authorization, removal, or change of any number or character in an ATV engine serial number or ATV serial number. This provision makes violation of those prohibitions a Class H felony. The maximum penalty for a Class H felony is a fine not to exceed \$10,000 or imprisonment not to exceed 6 years, or both.

insert  
b-4

4

SECTION 3. Effective date.

5

(1) This act takes effect on January 1, 2009.

NOTE: The effective date of this provision primarily relates to the commencement of the requirement to obtain a certificate of title. This effective date means that the owner of an ATV newly purchased on or after January 1, 2009, or the owner of an ATV who applies for registration on or after January 1, 2009, and does not have a valid certificate of title previously issued, must obtain a certificate of title for the ATV.

6

(END)

d-note  
↓

**2007-2008 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2276/1ins.  
RNK:.....

INSERT 6-4

**SECTION 1.** 23.45 (1) (d) <sup>✓</sup> of the statutes is amended to read:

23.45 (1) (d) "Registration" means any registration documentation, as defined in s. 23.33 (1) (jn) or s. 350.01 (10t), certificate of title documentation under s. 23.33 (2d), or certification or registration documentation, as defined in s. 30.50 (3b), issued by the department or its agents.

**History:** 1999 a. 88, 186; 2001 a. 16.

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

date

LRB-2276/1dn

RNK:.....

JLD

Please note that I have added a provision to this draft amending s. 23.45 (1) (d), stats. Under s. 23.45, stats., if DNR, through the use of a form or by electronic means, requires an individual to provide person identifiers in order to obtain an approval or a registration, DNR must give the individual the opportunity to declare that he or she does not want those personal identifiers disclosed. I have amended the definition of the term "registration" in s. 23.45 (1) (d), stats., to include documentation relating to the titling of ATVs. Please let me know if this provision is not consistent with the committee's intent. \*

Additionally, I have changed the title of s. 23.33 (13) (g), as created in the draft, to better reflect the scope of this provision. Is this O.K.?

Robin N. Kite  
Legislative Attorney  
Phone: (608) 266-7291  
E-mail: robin.kite@legis.wisconsin.gov

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2276/1dn

RNK:jld:sh

April 18, 2007

Please note that I have added a provision to this draft amending s. 23.45 (1) (d), stats. Under s. 23.45, stats., if DNR, through the use of a form or by electronic means, requires an individual to provide person identifiers in order to obtain an approval or a registration, DNR must give the individual the opportunity to declare that he or she does not want those personal identifiers disclosed. I have amended the definition of the term "registration" in s. 23.45 (1) (d), stats., to include documentation relating to the titling of ATVs. Please let me know if this provision is not consistent with the committee's intent.

Additionally, I have changed the title of s. 23.33 (13) (g), as created in the draft, to better reflect the scope of this provision. Is this O.K.?

Robin N. Kite  
Legislative Attorney  
Phone: (608) 266-7291  
E-mail: robin.kite@legis.wisconsin.gov



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-2276/1

RNK:jld:sh

**2007 BILL**

1 **AN ACT** *to amend* 23.45 (1) (d); and *to create* 23.33 (2d) and 23.33 (13) (g) of the  
2 statutes; **relating to:** requiring a certificate of title for an all-terrain vehicle,  
3 granting rule-making authority, and providing penalties.

---

***Analysis by the Legislative Reference Bureau***

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on State Trails Policy.

4 **SECTION 1.** 23.33 (2d) of the statutes is created to read:

5 **23.33 (2d) CERTIFICATE OF TITLE; REQUIREMENTS; EXCEPTIONS.** (a) *Certificate.* The  
6 owner of an all-terrain vehicle subject to registration in this state, whether or not  
7 the all-terrain vehicle is operated in this state, shall make application for a  
8 certificate of title for the all-terrain vehicle under any of the following  
9 circumstances:

**BILL**

1           1. If the owner has newly acquired the all-terrain vehicle, he or she shall make  
2 application under this subsection.

3           2. If the owner applies for registration of an all-terrain vehicle without holding  
4 a valid certificate of title previously issued to that owner by the department for the  
5 all-terrain vehicle, he or she shall at the same time apply for a certificate of title.

6           (b) *Exemptions.* An all-terrain vehicle is exempt from the certificate of title  
7 requirements of this subsection if it is exempt under sub. (2) (b) from registration  
8 requirements. The department may exempt additional classes of all-terrain  
9 vehicles from the certificate of title requirements.

10           (c) *All-terrain vehicles purchased by nonresidents.* A nonresident who  
11 purchases an all-terrain vehicle in this state and who intends to register the  
12 all-terrain vehicle in another state is not required to apply for a certificate of title  
13 under this chapter. A nonresident who purchases an all-terrain vehicle in this state  
14 may apply for a certificate of title under this subsection.

15           (d) *Application for certificate of title.* An application for a certificate of title shall  
16 be made to the department and shall be accompanied by the required fee. Each  
17 application for certificate of title shall contain the information required by the  
18 department.

19           (e) *Issuance; records; fees.* 1. The department shall file each application for  
20 certificate of title received by it and, when satisfied as to its genuineness and  
21 regularity and that the applicant is entitled to the issuance of a certificate of title,  
22 shall issue and deliver a certificate to the owner of the all-terrain vehicle.

23           2. The department shall file and retain for at least 5 years a record of all  
24 applications for a certificate of title.

**BILL**

1           3. The department shall conduct a title search upon the request of an applicant  
2 for a certificate of title.

3           4. The department shall by rule fix and collect fees that shall, as closely as  
4 possible, equal the cost of providing services under this subsection.

5           (f) *Contents of certificate of title.* Each certificate of title issued by the  
6 department shall contain information required by the department.

7           (g) *Law enforcement.* The department shall establish procedures for  
8 identifying stolen all-terrain vehicles with the cooperation of local law enforcement  
9 officials and the department of justice, by checking applications for title against any  
10 lists of stolen all-terrain vehicles, inspecting serial numbers if the owner applies for  
11 a replacement certificate of title, and inspecting all-terrain vehicles that are  
12 purchased out of state.

13           (h) *Replacements; transfer of title.* The department shall establish procedures  
14 and forms for the replacement of certificates of title and the transfer of title to an  
15 all-terrain vehicle or the transfer of any interest in an all-terrain vehicle.

16           (i) *Alterations and falsifications prohibited.* 1. No person may intentionally  
17 falsify a certificate of title issued under this subsection, or an application for a  
18 certificate of title issued under the subsection.

19           2. No person may intentionally alter, remove, or change any number or other  
20 character in an all-terrain vehicle engine serial number or all-terrain vehicle serial  
21 number.

22           (j) *Abandonment or destruction of all-terrain vehicle.* The department shall  
23 promulgate rules establishing procedures that apply in the event of abandonment  
24 or destruction of an all-terrain vehicle covered by a certificate of title or registration  
25 issued by this state.

**BILL**

1           (k) *Security interests.* 1. A security interest in an all-terrain vehicle of a type  
2 for which a certificate of title is required is not valid against creditors of the owner  
3 or subsequent transferees or secured parties of the all-terrain vehicle unless  
4 perfected as provided in rules promulgated by the department.

5           2. A secured party named in a certificate of title shall, upon written request of  
6 the owner or of another secured party named on the certificate, disclose any  
7 pertinent information about the secured party's security agreement and the  
8 indebtedness secured by it.

9           3. An owner shall promptly deliver the certificate of title to any secured party  
10 who is named on it or who has a security interest in the all-terrain vehicle described  
11 in it under any applicable prior law of this state, upon receipt of a notice from the  
12 secured party that the secured party's security interest is to be assigned, extended,  
13 or perfected.

14           4. A secured party who fails to disclose information under subd. 2. shall be  
15 liable to the owner for any loss caused by the failure to disclose.

16           5. An owner who fails to deliver the certificate of title to a secured party  
17 requesting it under subd. 3. shall be liable to the secured party for any loss caused  
18 to the secured party by the failure to deliver.

19           6. The method provided in this paragraph for perfecting and giving notice of  
20 security interests subject this subsection is exclusive. Security interests subject to  
21 this subsection are exempt from the provisions of law that otherwise require or relate  
22 to the filing of instruments creating or evidencing security interests. This  
23 subdivision does not affect the validity of a security interest perfected before the  
24 effective date of this subdivision .... [revisor inserts date].

**BILL**

1           (L) *Suspension or revocation of certificate of title.* 1. The department shall  
2 suspend or revoke a certificate of title for an all-terrain vehicle if it finds any of the  
3 following:

4           a. The certificate of title was fraudulently procured, erroneously issued, or  
5 prohibited by law.

6           b. The all-terrain vehicle has been scrapped, dismantled, or destroyed.

7           c. A transfer of title is set aside by a court by order or judgment.

8           2. Suspension or revocation of a certificate of title does not, in itself, affect the  
9 validity of a security interest noted on it.

10           3. When the department suspends or revokes a certificate of title, the owner  
11 or person in possession of the certificate shall, within 5 days after receiving notice  
12 of the suspension or revocation, mail or deliver the certificate to the department.

13           4. The department may seize and impound a certificate of title that is  
14 suspended or revoked.

15           (m) *Grounds for refusing issuance of certificate of title.* The department shall  
16 refuse issuance of a certificate of title if any required fee is not paid or if it has  
17 reasonable grounds to believe that any of the following exists:

18           1. The person alleged to be the owner of the all-terrain vehicle is not the owner.

19           2. The application contains a false or fraudulent statement.

20           3. The applicant fails to furnish information or documents required by the  
21 department.

NOTE: This provision creates a requirement for the owner of an all-terrain vehicle (ATV) to obtain a certificate of title. Any owner of an ATV that is subject to registration in this state must comply with the titling requirement. The titling requirement applies to the owner of a newly acquired ATV and to the owner of an ATV who applies for registration without holding a previously issued certificate of title. Any ATV that is exempt from registration in this state is also exempt from the titling requirement. Although nonresidents who register an ATV in another state are not required to apply

**BILL****SECTION 1**

for a certificate of title, a nonresident may choose to obtain a Wisconsin title for an ATV purchased in this state.

The Department of Natural Resources (DNR) is directed under this provision to implement the statute by promulgating administrative rules applicable to the procedures for application for a certificate of title, issuance of a certificate of title, recordkeeping, replacements, transfer of title, security interests, and all other provisions necessary for the titling program. DNR is directed to set and collect fees established by rule which shall, as closely as possible, equal the cost of providing services related to ATV titling. The funds collected by DNR will be placed in the conservation fund.

1           **SECTION 2.** 23.33 (13) (g) of the statutes is created to read:

2           23.33 (13) (g) *All-terrain vehicle falsification.* Any person who violates sub.  
3 (2d) (i) is guilty of a Class H felony.

NOTE: The new provision in this bill related to creating an ATV titling program contains a prohibition on the intentional falsification of either a certificate of title, or an application for a certificate of title, and the intentional authorization, removal, or change of any number or character in an ATV engine serial number or ATV serial number. This provision makes violation of those prohibitions a Class H felony. The maximum penalty for a Class H felony is a fine not to exceed \$10,000 or imprisonment not to exceed 6 years, or both.

4           **SECTION 3.** 23.45 (1) (d) of the statutes is amended to read:

5           23.45 (1) (d) "Registration" means any registration documentation, as defined  
6 in s. 23.33 (1) (jn) or s. 350.01 (10t), certificate of title documentation under s. 23.33  
7 (2d), or certification or registration documentation, as defined in s. 30.50 (3b), issued  
8 by the department or its agents.

9           **SECTION 4. Effective date.**

10          (1) This act takes effect on January 1, 2009.

NOTE: The effective date of this provision primarily relates to the commencement of the requirement to obtain a certificate of title. This effective date means that the owner of an ATV newly purchased on or after January 1, 2009, or the owner of an ATV who applies for registration on or after January 1, 2009, and does not have a valid certificate of title previously issued, must obtain a certificate of title for the ATV.